



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 9/14/2010  
Agenda Placement: 9D  
Set Time: 9:30 AM PUBLIC HEARING  
Estimated Report Time: 15 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Hillary Gitelman, Director - 253-4805  
**SUBJECT:** CEQA Local Procedures

---

### **RECOMMENDATION**

Director of Conservation, Development and Planning requests the Board hold a public hearing and consider adoption of a resolution rescinding prior resolutions and revising Napa County's local procedures for implementing the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

### **EXECUTIVE SUMMARY**

Section 15022 of the State CEQA Guidelines requires public agencies to adopt procedures for administering their responsibilities under CEQA, and requires those procedures to be revised within 120 days after the effective date of amendments to the State CEQA Guidelines. Napa County's Local Procedures for Implementing the California Environmental Quality Act (Napa County Procedures) were first adopted in 2004, and amended in October 2006.

Currently revisions are proposed in response to recent changes to the State Guidelines and are intended to improve the useability and understanding of the Napa County Procedures, eliminating sections that are entirely duplicative of the State CEQA Guidelines and updating the text in a variety of minor ways that are reflective of current professional practices. The proposed revisions would also eliminate unnecessary appendices and incorporate instead a revised Initial Study checklist incorporating changes that are derived from (but not identical to) those included in Appendix G of the amended State CEQA Guidelines and a standard memorandum of agreement that is used when consultants are under contract to project applicants. The checklist changes address forestry resources and greenhouse gas emissions for the first time, and take a broader view of transportation issues (i.e. broader than simply traffic and intersection Level of Service) than the prior version.

### **PROCEDURAL REQUIREMENTS**

1. Open Public Hearing.

2. Staff reports.
3. Public comment.
4. Close Public Hearing.
5. Motion, second, discussion and vote on the item.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. Also, it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

### **BACKGROUND AND DISCUSSION**

Section 15022 of the State CEQA Guidelines requires public agencies to adopt procedures for administering their responsibilities under CEQA, and requires those procedures to be revised within 120 days after the effective date of amendments to the State CEQA Guidelines. Napa County's Local Procedures for Implementing the California Environmental Quality Act (Napa County Procedures) were first adopted in 2004, and amended in August 2006.

The California Natural Resources Agency adopted amendments to the State CEQA Guidelines on December 30, 2009 in response to State legislation requiring the agency to address climate change and greenhouse gas emissions in the Guidelines. The amended Guidelines became effective in March, and now include a number of sections related to green house gas emissions as well as a revised checklist in Appendix G. The checklist is commonly used -- with or without local amendments -- by local lead agencies in conducting "initial studies" pursuant to CEQA and the State CEQA Guidelines. (Please see the Resources Agency's website for a complete copy of the State CEQA Guidelines showing the adopted changes: <http://ceres.ca.gov/ceqa/guidelines/>)

Pursuant to State CEQA Guidelines Section 15022(c), Napa County has 120 days to review its procedures for implementing CEQA to see if changes are needed to reflect changes in the State Guidelines. Staff has completed that review and is recommending a series of changes, only one of which (adoption of a new Initial Study checklist) is directly related to the December 2009 amendments. Other proposed revisions are intended to improve the useability and understanding of the local procedures by eliminating sections that are entirely duplicative of the State CEQA Guidelines, and updating the text in a variety of minor ways to reflect business practices that have evolved since the local procedures were first adopted in 2004. Please see the attached, redline-strike-out version of the local procedures for more detail.

Among other things, the proposed revisions would eliminate unnecessary appendices and incorporate a revised Initial Study checklist incorporating changes that are derived from (but not identical to) those included in Appendix G of the amended State CEQA Guidelines. The changes made by the State include forestry resources and greenhouse gas emissions for the first time, and take a broader view of transportation issues (i.e. broader than

simply traffic and intersection Level of Service) than in prior versions of the checklist. A redlined version showing suggested checklist changes is attached, together with a side-by-side comparison of the checklist language that's been used by Napa County for many years, the State's recent additions and changes, and the new version recommended for use in Napa County. Where there are differences between the State's recent additions and changes and the local version, these are recommended in order to add clarity, or to reflect Napa County's local policy framework.

The Napa County Planning Commission held a noticed public hearing on the proposed changes to Napa County's implementing procedures on July 21, 2010, and recommended adoption of the attached resolution after making a number of adjustments to the proposed checklist in response to public testimony. (See the side-by-side comparison for the Commission's changes.)

Since the Planning Commission hearing, a member of the public has suggested revising section 1000(b) such that an appeal of a decision by the Planning Director or the Commission to adopt a negative declaration, to adopt a mitigated negative declaration, or to certify a Final Environmental Impact Report (EIR) may only be appealed to the Board of Supervisors by an interested party who previously provided comments on the proposed negative declaration, proposed mitigated negative declaration, or Draft EIR.

#### **SUPPORTING DOCUMENTS**

- A . Checklist Changes: Side-by-Side Comparison
- B . Proposed Procedures -- Redline Showing Changes
- C . Proposed Procedures - Clean
- D . Proposed Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi